

**TESTIMONY CONCERNING FISCAL YEAR 2024  
APPROPRIATIONS FOR THE BIA, BIE, EPA and IHS  
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA  
KEVIN R. DUPUIS, SR., CHAIRMAN  
BEFORE THE U.S. HOUSE OF REPRESENTATIVES  
COMMITTEE ON APPROPRIATIONS  
SUBCOMMITTEE ON INTERIOR, ENVIRONMENT AND RELATED  
AGENCIES**

**March 3, 2023**

Chairman Simpson, Ranking Member Pingree, and respected members of the Committee, I am Kevin Dupuis, the Chairman of the Fond du Lac Band of Lake Superior Chippewa. On behalf of the Fond du Lac Band of Lake Superior Chippewa, I would like to thank you for inviting me to testify. We submit this testimony to urge Congress to increase, or, at the very least preserve, the federal funding levels for Indian programs.

As we talk about funding needs in Indian country, it is essential to keep in mind that the problems that face communities nationwide are far more severe for Indian communities, with tribes having far fewer resources to address problems like substance abuse, domestic violence, public safety, and homelessness. The Fond du Lac Band has worked, and will continue to work, to find solutions to problems of this kind. With seed money from federal funds, we provide health, education, social services, public safety and other governmental services to our 4,200 members and more than 7,300 Indian people who live on and near our Reservation. We are proud of what we have accomplished, but more remains to be done. The investment of federal funds is key to that effort. It allows us to use Band resources and attract private partners so we can provide jobs, grow the local economy, educate our children, prevent crime, and care for our elders and infirm. We urge Congress to continue to fund these programs at least at the levels the President has requested.

**BIA: Trust-Natural Resources Management.** There is nothing more important than preserving and protecting the territories and resources that our ancestors reserved for our people when they signed our Treaties with the United States. The Fond du Lac Band is committed to the management, conservation, and sustainability of the natural resources of the Fond du Lac Reservation and within our Ceded Territory, where we have Treaty rights to hunt, fish and gather. We urge you to provide full funding for Trust-Natural Resources Management in FY 2024, including increased funding for Rights Protection and Implementation which will allow us to protect, enhance, and restore natural resources within our Reservation and Ceded Territory. Our Ceded Territory includes approximately 30 million acres in northeastern Minnesota and includes all of Lake Superior within the United States.

The Fond du Lac Reservation consists of 101,153 acres, including forests, lakes and rivers that must be managed and protected for the current and future generations. In addition, our Ceded Territory covers portions of Upper Michigan, Northern Wisconsin, and North Central Minnesota. The challenges to our natural resources across the region are diverse and complex, from species restoration and reintroduction to adaptation to climate change. But our members depend on our Treaty rights to put food on the table and for ceremonial practices that serve as the foundation for

our culture. The stewardship of those natural resources—through scientific study, resource management, and enforcement of Band laws that regulate Tribal members who hunt, fish and gather those resources—is critical and is also an important source of employment for members.

**Environmental Protection Agency (EPA).** We appreciate Congress’ continued support to provide federal funds for EPA, but we ask that funding for EPA in FY 2024 be increased.

**State and Tribal Assurances Grants (STAG).** We thank Congress for continuing to support funding for STAG, including increasing funding for Sections 106 and 319 funding. We strongly urge Congress to increase funding for this Program, which has not seen a substantive increase in years, yet the Band’s responsibilities continue to grow as we work to protect our land, water and air in the face of increasing pressures and obstacles.

**Water Quality.** We have a robust federally-approved water quality standards program. Given the current threats to water resources in our region, we urge that Tribal Section 106 funding be doubled so that we can do the work needed to protect our waters. Additionally, Congress should continue to provide funding to EPA to support tribal training in AATAINS, the national water quality assessment database as well as training funding to assist tribes in conducting and reporting on water quality assessments.

**Air.** We have a long-standing air monitoring program that has faced a steady decline in federal funding. As the impacts of climate change continue to be felt in higher temperatures and more frequent heavy precipitation events, both indoor and ambient air quality concerns continue to impact Band members and their health. We request that air quality program funding for tribes be increased.

**Climate Change.** Climate crisis is imminent and requires funding for planning, preparation and adaptation to deal with this existential threat. Planning preparation and strategies for adaptation takes time and resources. We request that additional funding be provided to assist Tribes in planning for climate change.

**Wetlands.** One-half of our reservation is made up of wetlands. Proper management and restoration of this valuable resource is impossible without adequate and consistent federal funding. We request sustained wetland monitoring and protection program funding.

**Great Lakes Restoration Initiative.** The Band fully supports this initiative and thanks Congress for its continued support of this initiative. We ask that Congress maintain the current level of funding for this initiative. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, tribal and private) in the Great Lakes region. This funding helps support our wildlife programs, including our ongoing wild rice and fisheries stewardship and restoration efforts on the Reservation and in our Ceded Territories.

**BIA: Public Safety and Justice.** A significant part of protecting our homeland is having a fully staffed and trained law enforcement department. We appreciate Congress’s decision to increase funding for BIA’s Public Safety and Justice, including funding to solve Missing and Murdered Indigenous Women cold cases. Our law enforcement responds to a wide range of issues and calls,

with the largest issues being related to opioids and other substance abuse problems.

We address law enforcement by a combination of tribal and available federal funds and cooperative agreements with local law enforcement agencies, but more funding is needed. To meet need, we should have 25 full-time peace officers to provide 24-hour coverage on the Fond du Lac Reservation, but currently we only have 20. Those 20 peace officers include the Chief of Police, Lieutenant Chief of Police, 3 Investigators (General Crimes, Sex Trafficking, Narcotics), 1 Victim Advocacy Officer, 4 Patrol Sergeants, 8 Patrol Officers, 1 Officer in Field Training Program, 1 K-9 Officer and 1 School Resource Officer. With additional funding we would be able to add another General Crimes Investigator and fill the Patrol division shifts to four officers per shift. This would allow us to better respond to calls and protect our Reservation community. We currently respond to over 6,000 calls per year in two counties.

Funding is also needed for training. Due to the COVID-19 pandemic and with an increase in the drug epidemic and related crimes, our officers need, but are not receiving, vital training, including for dealing with an increase of people with mental health issues. We have seen an increase in Heroin and Fentanyl overdoses, including an increase in fatal overdoses. We are also seeing that these incidents correlate with general crimes like burglary, theft and assaults. We need additional equipment including both marked and unmarked squad vehicles for narcotic investigations. We are currently using outdated equipment for narcotic investigations but budget constraints also restrict us from replacing and updating essential necessary equipment like tracking devices, cameras, and recorders.

We also need additional administrative staff to ensure our department can effectively operate, and we need funding to update crime tracking, case management systems, law enforcement equipment and uniforms. Lastly, we need additional commercial vehicle enforcement as we have two major highways on the north and south side borders of our Reservation and one major interstate along our eastern border.

**Bureau of Indian Education.** With funding from the BIE and the Department of Education, we operate the Fond du Lac Ojibwe School serving an average of 220 children from pre-K through 12th grade. We continue to operate despite the fact that BIE has failed to provide any funding increases to meet our need.

More than 90% of our students come from very low-income households, and 96% receive free or reduced-price lunch. We are slowly making progress in improving the outcomes for our students. While the high school graduation rates for American Indians in Minnesota is at 51%, we are now at 59%, which is still far behind the state-wide rate of 81%. BIE funding has never kept pace with need, which prevents us from providing the educational services needed for our students. We urge Congress to significantly increase federal funding for Indian education.

**Indian Health Service.** We appreciate Congress's continued support to increase funding for IHS. However incremental increases do not begin to address substandard outcomes in Tribal communities because it only provides an increase for current services. We urge Congress to continue to provide full funding and advance appropriation for IHS as identified by our National Tribal Budget Formulation Workgroup. Indians at Fond du Lac, like Indians throughout the Nation,

continue to face severe disparities across a broad range of health issues, including due to the COVID-19 pandemic and the opioid epidemic. We serve over 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs.

We support the preservation of Medicaid, and the continuation of the Indian Health Care Improvement Act (“IHCIA”) and other Indian-specific provisions in the Patient Protection and Affordable Care Act. We believe there needs to be dedicated funding to begin implementing the new authorities contained in the IHCIA, which have not yet been implemented and funded.

We support the Administration’s proposal to provide advance appropriations for Indian Health Service starting in FY 2024. We also believe that Tribal programs should be permanently excluded from sequestration and rescissions. The Indian Health Service is the only federal health care system created as the result of treaty obligations, yet it is the most chronically underfunded federal healthcare system and the only federal healthcare system that is not exempt from government shutdowns or continuing resolutions. As many of my elders have said, we prepaid for our health care and this funding should not be subject to the discretionary appropriations process.

We also support the proposal to make both Contract Support Costs and the 105(l) leasing funding mandatory, including establishing a mandatory appropriations account that is funded every year. This is important because this funding, which is a non-discretionary funding obligation for the agency competes with discretionary funding that could be directed to other much needed program increases. Any Congressional increase in discretionary funding for IHS never truly results in the full amount of that funding reaching discretionary programs because a large part gets re-directed to cover IHS’ legal obligations to fund Contract Support Costs and 105(l) leasing requirements.

We also support permanent reauthorization of the Special Diabetes Program for Indians (“SDPI”) and that it be funded at \$250 million per year indexed for inflation. Tribes and Tribal Organizations should also be authorized to receive SDPI awards through P.L. 93-638 contracts or compacts.

The COVID-19 pandemic exposed the lack of infrastructure funding and support for Tribes and Tribal organizations. As such we support an increase of \$627.5 million as well as recurring funding to support Public Health Infrastructure to address current and future public health emergencies. Congress should also fully fund Critical Infrastructure Investments, like EHR Monetization to include Tribal facilities, health care facilities construction, and demonstration projects. Lastly, Congress should authorize Federally-Operated health facilities and IHS headquarters to use federal dollars efficiently and adjust programmatic fund flexibility across accounts at the local level, in consultation with Tribes.

Miigwech. Thank you.